

**TERMINAL DISCLAIMER TO OBIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)  
PHNL030921

In re Application of: ANDREAS J. GERRITS ET AL.

Application No. 10/564,656

Filed: January 13, 2006

For: LOW BIT-RATE AUDIO ENCODING

The owner, KONINKLIJKE PHILIPS ELECTRONICS N.V. of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/570,269, filed on February 28, 2006. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Please charge Deposit Account 14-1270 the terminal disclaimer fee under 37 CFR 1.20(d).

The undersigned is an attorney of record.

/Edward W. Goodman/

Signature

August 25, 2008

Date

EDWARD W. GOODMAN

Typed or printed name

See Comments to Form

**Comment [P1]:** Both applications must be assigned to exactly the same entity. Management pre-approval is required for WAC 8 & 9 cases. Consider joining the claims into a single application claiming all priorities. MPEP 804 I.9. says the examiner must withdraw the "provisional" double patenting rejection and issue the case, when it's the only remaining rejection in the case.